

Senate File 2070

SENATE FILE _____
BY COMMITTEE ON
TRANSPORTATION

(SUCCESSOR TO SSB 3046)

Passed Senate, Date _____ Passed House, Date _____
Vote: Ayes _____ Nays _____ Vote: Ayes _____ Nays _____
Approved _____

A BILL FOR

1 An Act relating to duties and activities of the state department
2 of transportation, including the registration and titling of
3 motor vehicles, regulation of electric personal assistive
4 mobility devices, and issuance of commercial driver's
5 licenses, and providing effective dates.

6 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

7 SF 2070

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1 1 Section 1. Section 321.1, subsection 20B, Code Supplement
1 2 2003, is amended to read as follows:
1 3 20B. "Electric personal assistive mobility device" means a
1 4 self-balancing, nontandem two-wheeled device powered by an
1 5 electric propulsion system that averages seven hundred fifty
1 6 watts, ~~has two nontandem wheels,~~ and is designed to transport
1 7 one person, with a maximum speed on a paved level surface of
1 8 less than twenty miles per hour. The maximum speed shall be
1 9 calculated based on operation of the device by a person who
1 10 weighs one hundred seventy pounds when the device is powered
1 11 solely by the electric propulsion system. For purposes of
1 12 this chapter, "electric personal assistive mobility device"
1 13 does not include an assistive device as defined in section
1 14 216E.1.

1 15 Sec. 2. Section 321.15, Code 2003, is amended to read as
1 16 follows:

1 17 321.15 PUBLICATION OF LAW.

1 18 The department shall issue, in pamphlet or electronic form,
1 19 such parts of this chapter ~~in pamphlet form,~~ together with
1 20 such rules, instructions, and explanatory matter as may seem
1 21 advisable. Copies of such pamphlet Such information shall be
1 22 given as wide distribution distributed as determined by the
1 23 department shall determine and a supply shall be furnished to
1 24 each county treasurer.

1 25 Sec. 3. Section 321.20, Code Supplement 2003, is amended
1 26 to read as follows:

1 27 321.20 APPLICATION FOR REGISTRATION AND CERTIFICATE OF
1 28 TITLE.

1 29 Except as provided in this chapter, an owner of a vehicle
1 30 subject to registration shall make application to the county
1 31 treasurer, of the county of the owner's residence, or if a
1 32 nonresident, to the county treasurer of the county where the
1 33 primary users of the vehicle are located, or if a lessor of
1 34 the vehicle pursuant to chapter 321F which vehicle has a gross
1 35 vehicle weight of less than ten thousand pounds, to the county
2 1 treasurer of the county of the lessee's residence, for the
2 2 registration and issuance of a certificate of title for the
2 3 vehicle upon the appropriate form furnished by the department.
2 4 However, upon the transfer of ownership, the owner of a
2 5 vehicle subject to the proportional registration provisions of
2 6 chapter 326 shall make application for registration and
2 7 issuance of a certificate of title to either the department or
2 8 the appropriate county treasurer. The application shall be
2 9 accompanied by a fee of ten dollars, and shall bear the
2 10 owner's signature ~~written with pen and ink.~~ A nonresident
2 11 owner of two or more vehicles subject to registration may make
2 12 application for registration and issuance of a certificate of
2 13 title for all vehicles subject to registration to the county
2 14 treasurer of the county where the primary user of any of the
2 15 vehicles is located. The owner of a mobile home or ~~of a~~
2 16 manufactured home shall make application for a certificate of
2 17 title under this section. The application shall contain:

2 18 1. The full legal name; social security number or, ~~if the~~

2 19 owner does not have a social security number but has a
2 20 ~~passport, the passport number; Iowa driver's license number;~~
2 21 ~~whether the license was issued by this state, another state,~~
2 22 ~~another country, or is an international driver's license or~~
2 23 ~~Iowa nonoperator's identification card number;~~ date of birth;
2 24 bona fide residence; and mailing address of the owner and of
2 25 the lessee if the vehicle is being leased. If the owner or
2 26 lessee is a firm, association, or corporation, the application
2 27 shall contain the bona fide business address and federal
2 28 employer identification number of the owner or lessee. Up to
2 29 three owners' names may be listed on the application.
2 30 Information relating to the lessee of a vehicle shall not be
2 31 required on an application for registration and a certificate
2 32 of title for a vehicle with a gross vehicle weight rating of
2 33 ten thousand pounds or more.

2 34 2. A description of the vehicle including, insofar as the
2 35 specified data may exist with respect to a given vehicle, the
3 1 make, model, type of body, the number of cylinders, the type
3 2 of motor fuel used, the ~~serial number of the vehicle,~~
3 3 ~~manufacturer's vehicle identification number, the engine or~~
3 4 ~~other assigned number, of the vehicle~~ and whether new or used
3 5 and, if a new vehicle, the date of sale by the manufacturer or
3 6 dealer to the person intending to operate ~~such the~~ vehicle.
3 7 If the vehicle is a new low-speed vehicle, the manufacturer's
3 8 or importer's certificate required to accompany the
3 9 application under subsection 4 shall certify that the vehicle
3 10 was manufactured in compliance with the national highway ~~and~~
3 11 traffic safety administration standards for low-speed vehicles
3 12 in 49 C.F.R. } 571.500.

3 13 3. Such further information as may reasonably be required
3 14 by the department.

3 15 4. A statement of the applicant's title and of all liens
3 16 or encumbrances upon ~~said the~~ vehicle and the names and bona
3 17 fide addresses of all persons having any interest ~~therein in~~
3 18 ~~the vehicle~~ and the nature of every such interest. When ~~such~~
3 19 ~~the~~ application refers to a new vehicle, it shall be
3 20 accompanied by a manufacturer's or importer's certificate duly
3 21 assigned as provided in section 321.45.

3 22 5. The amount of tax to be paid under section 423.7.

3 23 6. If the vehicle is owned by a nonresident but is subject
3 24 to issuance of an Iowa certificate of title or registration,
3 25 the application shall also contain the full legal name, ~~social~~
3 26 ~~security number, or, if the primary user does not have a~~
3 27 ~~social security number but has a passport, the passport~~
3 28 ~~number, Iowa driver's license number, whether the license was~~
3 29 ~~issued by this state, another state, another country, or is an~~
3 30 ~~international driver's license, or Iowa nonoperator's~~
3 31 ~~identification card number,~~ date of birth, bona fide

3 32 residence, and mailing address of the primary user of the
3 33 vehicle. If the primary user is a firm, association, or
3 34 corporation, the application shall contain the bona fide
3 35 business address and federal employer identification number of
4 1 the primary user. The primary user's name and address shall
4 2 not be printed on the registration receipt or the certificate
4 3 of title.

4 4 Notwithstanding contrary provisions of this chapter or
4 5 chapter 326 regarding titling and registration by means other
4 6 than electronic means, the department may develop and
4 7 implement a program to ~~test the feasibility of~~ allow for
4 8 electronic applications, titling, registering, and electronic
4 9 funds transfer for vehicles ~~traveling in interstate commerce~~
4 10 subject to registration in order to improve the efficiency and
4 11 timeliness of the processes and to reduce costs for all
4 12 parties involved.

4 13 The department shall adopt rules on the method for
4 14 providing signatures for applications made by electronic
4 15 means.

4 16 Sec. 4. Section 321.20A, subsection 1, Code 2003, is
4 17 amended to read as follows:

4 18 1. Notwithstanding other provisions of this chapter, the
4 19 owner of a commercial vehicle subject to the proportional
4 20 registration provisions of chapter 326 may make application to
4 21 the department or the appropriate county treasurer for a
4 22 certificate of title. The application for certificate of
4 23 title shall be made within thirty days of purchase or transfer
4 24 and shall be accompanied by a ten dollar title fee and the
4 25 appropriate use tax. The department or the county treasurer
4 26 shall deliver the certificate of title to the owner if there
4 27 ~~is no security interest or encumbrance appears on the~~
4 28 ~~certificate or to the person holding the first security~~
4 29 ~~interest or encumbrance shown on the certificate of title. If~~

4 30 there is a security interest, the title, when issued, shall be
4 31 delivered to the first secured party. Delivery may be made
4 32 using electronic means.

4 33 Sec. 5. Section 321.24, subsections 3, 7, 8, and 11, Code
4 34 Supplement 2003, are amended to read as follows:

4 35 3. The certificate of title shall contain upon its face
5 1 the identical information required upon the face of the
5 2 registration receipt. In addition, the certificate of title
5 3 shall contain a statement of the owner's title, the title
5 4 number assigned to the owner or owners of the vehicle, the
5 5 amount of tax paid pursuant to section 423.7, the name and
5 6 address of the previous owner, and a statement of all security
5 7 interests and encumbrances as shown in the application, upon
5 8 the vehicle described, including the nature of the security
5 9 interest, date of ~~notation~~ perfection, and name and address of
5 10 the secured party.

5 11 7. The certificate shall ~~bear the seal~~ contain the name of
5 12 the county treasurer or of the department, ~~and, if the~~
5 13 ~~certificate of title is printed,~~ the signature of the county
5 14 treasurer, the deputy county treasurer, or the department
5 15 director or deputy designee. The certificate of title shall
5 16 contain upon the reverse side a form for assignment of title
5 17 or interest and warranty by the owner, for reassignments by a
5 18 dealer licensed in this state or in another state if the state
5 19 in which the dealer is licensed permits Iowa licensed dealers
5 20 to similarly reassign certificates of title. ~~Attached to the~~

~~5 21 certificate of title shall be an application for a new~~
~~5 22 certificate of title by the transferee as provided in this~~
~~5 23 chapter.~~ However, titles for mobile homes or manufactured
5 24 homes shall not be reassigned by licensed dealers. ~~All~~
~~5 25 certificates of title shall be typewritten or printed by other~~
~~5 26 mechanical means.~~ Notwithstanding section 321.1, subsection
5 27 17, as used in this paragraph "dealer" means every person
5 28 engaged in the business of buying, selling, or exchanging
5 29 vehicles of a type required to be registered under this
5 30 chapter.

5 31 8. The original certificate of title shall be delivered to
5 32 the owner if there is no security interest ~~or encumbrance~~
~~5 33 appears on the certificate.~~ Otherwise the certificate of
5 34 title shall be delivered by the county treasurer or the
5 35 department to the person holding the first security interest
6 1 ~~or encumbrance as shown in the certificate.~~ Delivery may be
6 2 made using electronic means.

6 3 11. If the county treasurer or department is not satisfied
6 4 as to the ownership of the vehicle or that there are no
6 5 undisclosed security interests in it, or a junking certificate
6 6 has been issued for the vehicle but a certificate of title
6 7 will not be reissued under section 321.52, subsection 3, and
6 8 the vehicle qualifies as an antique vehicle under section
6 9 321.115, subsection 1, the county treasurer or department may
6 10 register the vehicle but shall, as a condition of issuing a
6 11 certificate of title and registration receipt, require the
6 12 applicant to file with the department a bond in the form
6 13 prescribed by the department and executed by the applicant,
6 14 and either accompanied by the deposit of cash with the
6 15 department or also executed by a person authorized to conduct
6 16 a surety business in this state. The bond shall be in an
6 17 amount equal to one and one-half times the current value of
6 18 the vehicle as determined by the department and conditioned to
6 19 indemnify any prior owner and secured party and any subsequent
6 20 purchaser of the vehicle or person acquiring any security
6 21 interest in it, and their respective successors in interest,
6 22 against any expense, loss, or damage, including reasonable
6 23 attorney's fees, by reason of the issuance of the certificate
6 24 of title of the vehicle or on account of any defect in or
6 25 undisclosed security interest upon the right, title and
6 26 interest of the applicant in and to the vehicle. Any such
6 27 interested person has a right of action to recover on the bond
6 28 for any breach of its conditions, but the aggregate liability
6 29 of the surety to all persons shall not exceed the amount of
6 30 the bond. The bond, and any deposit accompanying it, shall be
6 31 returned at the end of three years or prior thereto if the
6 32 vehicle is no longer registered in this state and the
6 33 currently valid certificate of title is surrendered to the
6 34 department, unless the department has been notified of the
6 35 pendency of an action to recover on the bond. The department
7 1 may authorize issuance of a certificate of title as provided
7 2 in this subsection for a vehicle with an unreleased security
7 3 interest upon presentation of satisfactory evidence that the
7 4 security interest has been extinguished and the holder of the
7 5 security interest cannot be located to release the security

7 6 interest as provided in section 321.50.

7 7 Sec. 6. Section 321.31, subsection 2, unnumbered paragraph
7 8 1, Code Supplement 2003, is amended to read as follows:

7 9 Each county treasurer's office shall maintain a county
7 10 records system for vehicle registration and certificate of
7 11 title documents. The records system shall consist of
7 12 information from the certificate of title, including the
7 13 ~~notation date of perfection~~ and cancellation of security
7 14 interests, and information from the registration receipt. The
7 15 information shall be maintained in a manner approved by the
7 16 department.

7 17 Sec. 7. Section 321.34, subsection 11, paragraph d, Code
7 18 Supplement 2003, is amended to read as follows:

7 19 d. Upon receipt of the special registration plates, the
7 20 applicant shall surrender the current registration ~~receipt and~~
7 21 plates to the county treasurer. The county treasurer shall
7 22 validate the special registration plates in the same manner as
7 23 regular registration plates are validated under this section.
7 24 The annual special natural resources fee for letter number
7 25 designated plates is ten dollars which shall be paid in
7 26 addition to the regular annual registration fee. The annual
7 27 fee for personalized natural resources plates is five dollars
7 28 which shall be paid in addition to the annual special natural
7 29 resources fee and the regular annual registration fee. The
7 30 annual special natural resources fee shall be credited as
7 31 provided under paragraph "c".

7 32 Sec. 8. Section 321.34, subsection 11A, paragraph d, Code
7 33 Supplement 2003, is amended to read as follows:

7 34 d. Upon receipt of the special registration plates, the
7 35 applicant shall surrender the current registration ~~receipt and~~
8 1 plates to the county treasurer. The county treasurer shall
8 2 validate the special registration plates in the same manner as
8 3 regular registration plates are validated under this section.
8 4 The annual special love our kids fee for letter number
8 5 designated plates is ten dollars, which shall be paid in
8 6 addition to the regular annual registration fee. The annual
8 7 fee for personalized love our kids plates is five dollars,
8 8 which shall be paid in addition to the annual special love our
8 9 kids fee and the regular annual registration fee. The annual
8 10 love our kids fee shall be credited as provided under
8 11 paragraph "c".

8 12 Sec. 9. Section 321.34, subsection 11B, paragraph d, Code
8 13 Supplement 2003, is amended to read as follows:

8 14 d. Upon receipt of the special registration plates, the
8 15 applicant shall surrender the current registration ~~receipt and~~
8 16 plates to the county treasurer. The county treasurer shall
8 17 validate the special registration plates in the same manner as
8 18 regular registration plates are validated under this section.
8 19 The annual special motorcycle rider education fee for letter
8 20 number designated plates is ten dollars, which shall be paid
8 21 in addition to the regular annual registration fee. The
8 22 annual fee for personalized motorcycle rider education plates
8 23 is five dollars, which shall be paid in addition to the annual
8 24 special motorcycle rider education fee and the regular annual
8 25 registration fee. The annual motorcycle rider education fee
8 26 shall be credited as provided under paragraph "c".

8 27 Sec. 10. Section 321.34, subsection 23, paragraph d, Code
8 28 Supplement 2003, is amended to read as follows:

8 29 d. Upon receipt of the special registration plates, the
8 30 applicant shall surrender the current registration ~~receipt and~~
8 31 plates to the county treasurer. The county treasurer shall
8 32 validate the special registration plates in the same manner as
8 33 regular registration plates are validated under this section.
8 34 The annual special breast cancer awareness fee for letter
8 35 number designated plates is ten dollars, which shall be paid
9 1 in addition to the regular annual registration fee. The
9 2 annual special fee for personalized breast cancer awareness
9 3 plates is five dollars, which shall be paid in addition to the
9 4 annual special breast cancer awareness fee and the regular
9 5 annual registration fee. The annual special breast cancer
9 6 awareness fee shall be credited and transferred as provided
9 7 under paragraph "c".

9 8 Sec. 11. Section 321.42, subsection 2, paragraph b, Code
9 9 2003, is amended to read as follows:

9 10 b. After five days, the department or county treasurer
9 11 shall issue a replacement copy to using the ~~applicant at the~~
9 12 applicant's most recent bona fide address; however, the five=
9 13 day waiting period does not apply to an applicant who has
9 14 surrendered the original certificate of title to the
9 15 department or county treasurer. The replacement copy shall be
9 16 clearly marked "replacement" and shall include ~~notation of~~

9 17 ~~security interests and liens or encumbrances.~~ When a
9 18 replacement copy has been issued, the previous certificate is
9 19 void. ~~The department or county treasurer is not authorized to~~
9 20 ~~refund fees collected for a replacement title under this~~
9 21 ~~section or section 321.52A.~~
9 22 Sec. 12. Section 321.45, subsection 2, paragraph a, Code
9 23 Supplement 2003, is amended to read as follows:
9 24 a. The perfection of a lien or security interest ~~by~~
9 25 ~~notation on the certificate of title as provided in section~~
9 26 ~~321.50, or~~
9 27 Sec. 13. Section 321.46, subsection 1, Code 2003, is
9 28 amended to read as follows:
9 29 1. The transferee shall, within thirty calendar days after
9 30 purchase or transfer, apply for and obtain from the county
9 31 treasurer of the person's residence, or, if a nonresident, the
9 32 county treasurer of the county where the primary users of the
9 33 vehicle are located or the county where all other vehicles
9 34 owned by the nonresident are registered, a new registration
9 35 and a new certificate of title for the vehicle except as
10 1 provided in section 321.25, 321.48, or 322G.12. The
10 2 transferee shall present with the application the certificate
10 3 of title endorsed and assigned by the previous owner and shall
10 4 indicate the name of the county in which the vehicle was last
10 5 registered and the registration expiration date. ~~Unless the~~
10 6 ~~transferee is a manufacturer obtaining a new certificate of~~
10 7 ~~title pursuant to section 322G.12, the transferee shall be~~
10 8 ~~required to list a driver's license number.~~
10 9 Sec. 14. Section 321.46, subsection 3, paragraph f, Code
10 10 2003, is amended by striking the paragraph.
10 11 Sec. 15. Section 321.50, subsections 1 through 4, Code
10 12 Supplement 2003, are amended to read as follows:
10 13 1. A security interest in a vehicle subject to
10 14 registration under the laws of this state or a mobile home or
10 15 manufactured home, except trailers whose empty weight is two
10 16 thousand pounds or less, and except new or used vehicles held
10 17 by a dealer or manufacturer as inventory for sale, is
10 18 perfected by the delivery to the county treasurer of the
10 19 county where the certificate of title was issued or, in the
10 20 case of a new certificate, to the county treasurer where the
10 21 certificate will be issued, of an application for certificate
10 22 of title which lists the security interest, or an application
10 23 for notation of security interest signed by the owner, or by
10 24 one owner of a vehicle owned jointly by more than one person,
10 25 ~~or signed through electronic means as determined by the~~
10 26 ~~department, or a certificate of title from another~~
10 27 ~~jurisdiction which shows the security interest, and payment of~~
10 28 ~~a fee of five dollars for each security interest shown. The~~
10 29 ~~department shall require the federal employer identification~~
10 30 ~~number of a secured party who is a firm, association, or~~
10 31 ~~corporation or, if a natural person, the social security~~
10 32 ~~number. Upon delivery of the application and payment of the~~
10 33 ~~fee, the county treasurer shall note the date of delivery on~~
10 34 ~~the application. If the delivery is by electronic means and~~
10 35 ~~the time is electronically recorded on the application along~~
11 1 ~~with the date, the time shall be included with the date on all~~
11 2 ~~subsequent documents and records where the date of perfection~~
11 3 ~~is required under this chapter. The date of delivery shall be~~
11 4 ~~the date of perfection of the security interest in the~~
11 5 ~~vehicle, regardless of the date the security interest is noted~~
11 6 ~~on the certificate of title. Up to three security interests~~
11 7 ~~may be perfected against a vehicle and shown on an Iowa~~
11 8 ~~certificate of title. If the owner or secured party is in~~
11 9 ~~possession of the certificate of title, it must also be~~
11 10 ~~delivered at this time in order to perfect the security~~
11 11 ~~interest. If a vehicle is subject to a security interest when~~
11 12 ~~brought into this state, the validity of the security interest~~
11 13 ~~and the date of perfection is determined by section 554.9303.~~
11 14 ~~Delivery as provided in this subsection is an indication~~
11 15 ~~constitutes perfection of a security interest on a certificate~~
11 16 ~~of title for purposes of this chapter and chapter 554.~~
11 17 2. Upon receipt of the application and the required fee,
11 18 ~~if the certificate of title was not delivered to the county~~
11 19 ~~treasurer along with the application, the county treasurer~~
11 20 ~~shall notify the holder of the certificate of title to deliver~~
11 21 ~~to the county treasurer, within five days from the receipt of~~
11 22 ~~notice, the certificate of title to permit notation of the~~
11 23 ~~security interest. If the holder of the certificate of title~~
11 24 ~~shall fail fails to deliver it within the said five days, the~~
11 25 ~~holder shall be liable to anyone harmed by the holder's~~
11 26 ~~failure.~~
11 27 3. Upon receipt of the application, the certificate of

11 28 title, if any, and the required fee, the county treasurer
11 29 shall note ~~such the~~ security interest, and the date ~~thereof~~,
11 30 ~~of perfection of the security interest~~ on the certificate ~~over~~
11 31 ~~the signature of such officer or deputy and the seal of office~~
11 32 ~~of title~~. The county treasurer shall also note ~~such the~~
11 33 security interest and the date ~~thereof~~ ~~of perfection of the~~
11 34 security interest in the county records system. Upon receipt
11 35 of a certificate of title issued by a foreign jurisdiction, on
12 1 which a security interest has been noted, the county treasurer
12 2 shall note the security interest and the date the security
12 3 interest was noted on the foreign certificate of title, if
12 4 available, or if not, the date of issuance of the foreign
12 5 certificate of title, on the face of the new certificate of
12 6 title. The county treasurer shall also note the security
12 7 interest and the date that was noted on the certificate of
12 8 title in the county records system. The county treasurer
12 9 shall then ~~mail~~ deliver the certificate of title to the first
12 10 secured party as shown thereon.
12 11 3A. Notwithstanding any provision of this section to the
12 12 contrary, if a security interest has been delivered by
12 13 electronic means, the county treasurer or department shall not
12 14 print a certificate of title until all security interests have
12 15 been released, but shall provide the first security interest
12 16 holder with an electronic record of the certificate of title.
12 17 When a vehicle is subject to an electronic lien, the
12 18 certificate of title for the vehicle shall be considered to be
12 19 physically held by the lienholder for purposes of compliance
12 20 with odometer disclosure requirements under section 321.71.
12 21 4. a. When a security interest is discharged, the holder
12 22 shall note a cancellation of ~~same the~~ security interest on the
12 23 face of the certificate of title over the holder's signature,
12 24 and deliver the certificate of title to the county treasurer
12 25 where the title was issued. In the case of a security
12 26 interest that has been delivered by electronic means, the
12 27 holder shall notify the department or the county treasurer, in
12 28 a manner prescribed by the department, of the release of the
12 29 security interest. The county treasurer shall immediately
12 30 note the cancellation of the security interest on the face of
12 31 the certificate of title, if applicable, and in the county
12 32 records system. The county treasurer shall on the same day
12 33 deliver the certificate of title, if applicable, to the then
12 34 first secured party or, if there is no such person, to the
12 35 person as directed by the owner, in writing, on a form
13 1 prescribed by the department or, if there is no person
13 2 designated, then to the owner. The cancellation of the
13 3 security interest shall be noted on the certificate of title
13 4 by the county treasurer without charge. The holder of a
13 5 security interest discharged by payment who fails to release
13 6 the security interest within fifteen days after being
13 7 requested in writing to do so shall forfeit to the person
13 8 making the payment the sum of twenty-five dollars.
13 9 b. If a lien has been released by the lienholder but has
13 10 not been sent to the county of record for clearance of the
13 11 lien, any county may note the release on the face of the title
13 12 and shall notify the county of record that the lien has been
13 13 released as of the specified date, and ~~shall~~ make entry upon
13 14 the computer system. Notification to the county of record
13 15 shall be made by an automated statewide system, or by sending
13 16 a photocopy of the released title to the county of record.
13 17 c. When a security interest is discharged, the lienholder
13 18 shall note the cancellation of the security interest on the
13 19 face of the title and, if applicable, may note the
13 20 cancellation of the security interest on a form prescribed by
13 21 the department and deliver a copy of the form in lieu of the
13 22 title to the department or to the treasurer of the county in
13 23 which the title was issued. The form may be delivered by
13 24 electronic means. The department or county treasurer shall
13 25 note the release of the security interest upon the statewide
13 26 computer system and the county's records. A copy of the form,
13 27 if used, shall be attached to the title by the lienholder, if
13 28 the title is held by the lienholder, and shall be evidence of
13 29 the release of the security interest. ~~The~~ If the title is
13 30 held by the lienholder, the lienholder shall deliver the title
13 31 to the first lienholder, or if there is no such person, to the
13 32 person as designated by the owner, or if there is no such
13 33 person designated, to the owner. If a certificate of title
13 34 has not been issued, upon release of a security interest, the
13 35 lienholder shall notify the department or the county
14 1 treasurer, in a manner prescribed by the department, of the
14 2 release of the security interest.

14 4 paragraph 2, Code Supplement 2003, is amended to read as
14 5 follows:
14 6 This subsection is repealed effective ~~July 1, 2004~~ January
14 7 1, 2005.

14 8 Sec. 17. Section 321.50, subsection 7, Code Supplement
14 9 2003, is amended to read as follows:

14 10 7. Upon request of any person, the county treasurer shall
14 11 ~~issue a certificate showing~~ certify whether there are, on the
14 12 date and hour stated therein, any security interests ~~noted on~~
14 13 ~~a particular vehicle's certificate of title, or liens against~~
14 14 ~~a vehicle~~ and the name and address of each secured party ~~whose~~
14 15 ~~security interest is noted thereon~~. The uniform fee for a
14 16 ~~written certificate~~ certification shall be two dollars if the
14 17 request for the ~~certificate~~ certification is on a form
14 18 conforming to standards prescribed by the secretary of state;
14 19 otherwise, three dollars. Upon request and payment of the
14 20 appropriate fee, the county treasurer shall furnish a
14 21 certified copy of any security ~~interest notations~~ interests
14 22 for a uniform fee of one dollar per page.

14 23 Sec. 18. Section 321.74, Code 2003, is amended to read as
14 24 follows:

14 25 321.74 ACTION BY DEPARTMENT.

14 26 The department, upon receiving a report of a stolen or
14 27 embezzled vehicle as ~~hereinbefore~~ provided in section 321.72
14 28 or 321.73 or through the national motor vehicle title
14 29 information system, shall file and appropriately index the
14 30 same and shall immediately suspend the registration of the
14 31 vehicle so reported and shall not transfer the certificate of
14 32 title or registration of the same vehicle until such time as
14 33 ~~it the department~~ is notified in writing that ~~such the~~ vehicle
14 34 has been recovered.

14 35 Sec. 19. Section 321.101, subsection 2, Code 2003, is
15 1 amended to read as follows:

15 2 2. The department shall cancel a certificate of title that
15 3 appears to have been improperly issued or fraudulently
15 4 obtained or, in the case of a mobile home or manufactured
15 5 home, if taxes were owing under chapter 435 at the time the
15 6 certificate was issued and have not been paid. However,
15 7 before the certificate to a mobile home or manufactured home
15 8 for which taxes were owing can be canceled, notice and
15 9 opportunity to pay the taxes must be given to the person to
15 10 whom the certificate was issued. Upon cancellation of ~~any a~~
15 11 certificate of title, the department shall notify the county
15 12 treasurer who issued it, who shall enter the cancellation upon
15 13 the records. The department shall also notify the person to
15 14 whom the certificate of title was issued, as well as ~~any~~
15 15 ~~lienholders appearing on the certificate of title each~~
15 16 ~~lienholder who has a perfected lien~~, of the cancellation and
15 17 shall demand the surrender of the certificate of title, but
15 18 the cancellation shall not affect the validity of any ~~lien~~
15 19 ~~noted on the certificate of title perfected lien~~.

15 20 Sec. 20. Section 321.109, subsection 1, unnumbered
15 21 paragraph 1, Code 2003, is amended to read as follows:

15 22 The annual fee for all motor vehicles including vehicles
15 23 designated by manufacturers as station wagons, and 1993 and
15 24 subsequent model years for multipurpose vehicles, except motor
15 25 trucks, motor homes, ambulances, hearses, motorcycles, motor
15 26 bicycles, and 1992 and older model years for multipurpose
15 27 vehicles, shall be equal to one percent of the value as fixed
15 28 by the department plus forty cents for each one hundred pounds
15 29 or fraction thereof of weight of vehicle, as fixed by the
15 30 department. The weight of a motor vehicle, fixed by the
15 31 department for registration purposes, shall include the weight
15 32 of a battery, heater, bumpers, spare tire, and wheel.
15 33 Provided, however, that for any new vehicle purchased in this
15 34 state by a nonresident for removal to the nonresident's state
15 35 of residence the purchaser may make application to the county
16 1 treasurer in the county of purchase for a transit plate for
16 2 which a fee of ten dollars shall be paid. And provided,
16 3 however, that for any used vehicle held by a registered dealer
16 4 and not currently registered in this state, or for any vehicle
16 5 held by an individual and currently registered in this state,
16 6 when purchased in this state by a nonresident for removal to
16 7 the nonresident's state of residence, the purchaser may make
16 8 application to the county treasurer in the county of purchase
16 9 for a transit plate for which a fee of three dollars shall be
16 10 paid. The county treasurer shall issue a nontransferable
16 11 certificate of registration for which no refund shall be
16 12 allowed; and the transit plates shall be void thirty days
16 13 after issuance. Such purchaser may apply for a certificate of
16 14 title by surrendering the manufacturer's or importer's

16 15 certificate or certificate of title, duly assigned as provided
16 16 in this chapter. In this event, the treasurer in the county
16 17 of purchase shall, when satisfied with the genuineness and
16 18 regularity of the application, and upon payment of a fee of
16 19 ten dollars, issue a certificate of title in the name and
16 20 address of the nonresident purchaser delivering the same to
16 21 the person entitled to the title as provided in this chapter.
16 22 The application requirements of section 321.20 apply to a
16 23 title issued as provided in this subsection, except that a
16 24 natural person who applies for a certificate of title shall
16 25 provide either the person's social security number, passport
16 26 number, or driver's license number, whether the license was
16 27 issued by this state, another state, or another country. The
16 28 provisions of this subsection relating to multipurpose
16 29 vehicles are effective January 1, 1993, for all 1993 and
16 30 subsequent model years. The annual registration fee for
16 31 multipurpose vehicles that are 1992 model years and older
16 32 shall be in accordance with section 321.124.
16 33 Sec. 21. Section 321.126, subsection 6, paragraph b, Code
16 34 2003, is amended by striking the paragraph.
16 35 Sec. 22. Section 321.131, Code 2003, is amended to read as
17 1 follows:
17 2 321.131 LIEN OF FEE.
17 3 All registration or other fees provided for in this chapter
17 4 shall ~~be and continue~~ constitute a lien against the vehicle
17 5 for which ~~said the~~ fees are payable unless otherwise provided
17 6 in this section until such time as they are paid as provided
17 7 by law, with any accrued penalties. The county treasurer may
17 8 perfect a security interest in a vehicle for the amount of
17 9 such fees ~~by noting the lien upon the certificate of title for~~
17 10 ~~the vehicle~~ as provided in section 321.50. If the lien is not
17 11 perfected as provided in this section, the lien shall not be
17 12 valid against a bona fide purchaser of the vehicle without
17 13 actual notice to the purchaser.
17 14 Sec. 23. Section 321.134, Code 2003, is amended by adding
17 15 the following new subsection:
17 16 NEW SUBSECTION. 5. The department shall waive the
17 17 penalties imposed by this section for an owner who is in the
17 18 military service of the United States and who has been
17 19 relocated as a result of being placed on active duty on or
17 20 after September 11, 2001. The department shall adopt rules to
17 21 implement this subsection, including, if necessary, procedures
17 22 for refunding penalties collected prior to the effective date
17 23 of this Act.
17 24 Sec. 24. Section 321.149, Code Supplement 2003, is amended
17 25 to read as follows:
17 26 321.149 ~~BLANKS SUPPLIES.~~
17 27 The department shall ~~not later than November 15 of each~~
17 28 ~~year~~ prepare and furnish to the treasurer of each county ~~all~~
17 29 ~~blank books, blank forms, and all supplies required for the~~
17 30 ~~administration of this chapter, including applications for~~
17 31 ~~registration and transfer of vehicles, quintuple receipts, and~~
17 32 ~~original remittance sheets to be used in remitting fees to the~~
17 33 ~~department,~~ in such form as the department may prescribe.
17 34 Contracts for the ~~blank books, blank forms, and supplies~~ shall
17 35 be awarded by the director of the department of administrative
18 1 services to persons, firms, partnerships, or corporations
18 2 engaged in the business of printing in Iowa unless, or through
18 3 them, the persons, firms, partnerships, or corporations cannot
18 4 provide the required printing set forth in this section. In
18 5 lieu of purchasing under competitive bids, the director of the
18 6 department of administrative services shall have authority to
18 7 arrange with the director of the department of corrections to
18 8 furnish the supplies as can be made in the state institutions.
18 9 Sec. 25. Section 321.152, subsection 4, Code 2003, is
18 10 amended to read as follows:
18 11 4. Sixty percent of all fees collected for ~~notation~~
18 12 perfection of security interests.
18 13 Sec. 26. Section 321.153, unnumbered paragraph 1, Code
18 14 2003, is amended to read as follows:
18 15 The county treasurer on the tenth day of each month shall
18 16 certify ~~under county seal~~ to the department, ~~on forms~~
18 17 ~~furnished by it,~~ a full and complete statement of all fees and
18 18 penalties received by the county treasurer during the
18 19 preceding calendar month and shall remit all moneys not
18 20 retained for deposit under section 321.152 to the treasurer of
18 21 state.
18 22 Sec. 27. Section 321.160, Code 2003, is amended to read as
18 23 follows:
18 24 321.160 DEPARTMENT TO ~~PREPARE~~ MAINTAIN STATEMENT.
18 25 The department shall ~~prepare, annually,~~ maintain a

18 26 statement showing all the different makes and models of motor
18 27 vehicles previously registered in the department, and all the
18 28 different makes and models of motor vehicles, statements of
18 29 which have been filed in the office by the manufacturers as
18 30 heretofore provided in section 321.157, together with the
18 31 retail list price and weight of the ~~same vehicles~~.

18 32 Copies of the statement shall be furnished to each county
18 33 treasurer and additional copies may be sold by the department
18 34 to other persons, at a price to be set by the department,
18 35 covering the approximate cost of ~~same the copies~~ and service
19 1 involved. Copies of the statement required by this section
19 2 may be provided electronically. All funds received shall be

19 3 forwarded by the department to the treasurer of state.
19 4 Sec. 28. Section 321.188, subsection 3, Code 2003, is
19 5 amended to read as follows:

19 6 3. An applicant for a hazardous material endorsement must
19 7 pass a knowledge test as required under 49 C.F.R. } 383.121 as
19 8 adopted by rule by the department to obtain or retain the
19 9 endorsement. However, an applicant for license issuance who
19 10 was previously issued a commercial driver's license from
19 11 another state may retain the hazardous material endorsement
19 12 from the previously issued license if the applicant
19 13 successfully passed the endorsement test within the preceding
19 14 twenty-four months. Pursuant to procedures established by the
19 15 department, an applicant for a hazardous material endorsement
19 16 must also comply with the application and security threat
19 17 assessment requirements established under 49 C.F.R. pt. 383,
19 18 384, and 1572. A hazardous material endorsement shall be
19 19 revoked or denied if the department determines that the
19 20 applicant has not complied with or met the security threat
19 21 assessment standards.

19 22 Sec. 29. Section 321.235A, unnumbered paragraph 1, Code
19 23 2003, is amended to read as follows:

19 24 An electric personal assistive mobility device, which is a
19 25 two-wheeled device as defined in section 321.1, subsection
19 26 20B, may be operated by a person at least sixteen years of age
19 27 on sidewalks and bikeways in accordance with this section.

19 28 Sec. 30. Section 321J.1A, subsection 2, Code 2003, is
19 29 amended to read as follows:

19 30 2. The department shall publish pamphlets containing the
19 31 criminal and administrative penalties for drunk driving, and
19 32 related laws, rules, instructions, and explanatory matter.
19 33 This information may be included in ~~pamphlets publications~~
19 34 containing information related to other motor vehicle laws,
19 35 ~~published issued~~ pursuant to section 321.15. Copies of ~~such~~
20 1 ~~the~~ pamphlets shall be given wide distribution, and a supply
20 2 shall be made available to each county treasurer.

20 3 Sec. 31. Section 322.13, subsection 1, Code 2003, is
20 4 amended to read as follows:

20 5 1. The department shall have full authority to prescribe
20 6 reasonable rules for the administration and enforcement of
20 7 this chapter, in addition hereto and not inconsistent
20 8 herewith. All rules shall be filed and entered by the
20 9 department in its office in an indexed, permanent book or
20 10 record, with the effective date thereof suitably indicated,
20 11 and such book or record shall be a public document. ~~Whenever~~
20 12 The department may provide notice of a new rule or regulation
20 13 is adopted by the department, a copy of the same shall be
20 14 mailed by it to each licensee hereunder by a posting on the
20 15 department's internet website.

20 16 Sec. 32. Section 326.15, Code 2003, is amended by striking
20 17 the section and inserting in lieu thereof the following:

20 18 326.15 REFUNDS OF REGISTRATION FEES.

20 19 Refunds of registration fees paid for motor vehicles under
20 20 this chapter shall be in accordance with section 321.126. In
20 21 addition, if a motor vehicle is removed from an apportioned
20 22 fleet, the owner in whose name the motor vehicle was
20 23 registered shall return the registration plate to the
20 24 department and make a claim for refund. A refund shall not be
20 25 allowed without documentation of the subsequent registration
20 26 of the motor vehicle.

20 27 A qualified fleet owner may certify to the department that
20 28 the registration plate has been destroyed in lieu of
20 29 surrendering the plate. The department shall adopt rules to
20 30 define a qualified fleet owner.

20 31 Sec. 33. 2003 Iowa Acts, chapter 8, sections 9, 10, and
20 32 12, are repealed.

20 33 Sec. 34. 2003 Iowa Acts, chapter 8, section 29, subsection
20 34 3, is repealed.

20 35 Sec. 35. EFFECTIVE DATES.

21 1 1. Except as provided in subsections 2 through 4, this Act

21 2 takes effect January 1, 2005.
21 3 2. The sections of this Act amending section 321.46,
21 4 subsection 3, paragraph "f"; section 321.126, subsection 6,
21 5 paragraph "b"; and section 326.15, being deemed of immediate
21 6 importance, take effect upon enactment.
21 7 3. The section of this Act enacting section 321.134,
21 8 subsection 5, being deemed of immediate importance, takes
21 9 effect upon enactment.
21 10 4. The section of this Act amending section 321.188,
21 11 subsection 3, being deemed of immediate importance, takes
21 12 effect upon enactment.
21 13 5. The sections of this Act amending section 321.1,
21 14 subsection 20B, and section 321.235A, unnumbered paragraph 1,
21 15 being deemed of immediate importance, take effect upon
21 16 enactment.
21 17 6. The sections of this Act amending 2003 Iowa Acts,
21 18 chapter 8, being deemed of immediate importance, take effect
21 19 upon enactment.
21 20 SF 2070
21 21 dea/cc/26